is a casual fire, that it was spontaneous because the fire itself was not untechnical. I would request the hon. Minister of State, therefore, to clarify whether he would rule out deliberate sabotage in the light of the two factors; one, the knowledge that there exists in COD, Jabalpur, a long-standing labour dispute and, secondly, that the timing of the fire was curiously coincidental with the rounds by the Commandant of COD, Jabalpur?

SHRI SANTOSH MOHAN DEV: Madam, as the enquiry is on to find out the truth, for me, as a Minister, it will be very difficult to either agree or disagree with the point made by the hon. Member. It is for the Court of Enquiry to find out what is the cause of the fire and whether any sabotage is there.

We have placed all the questions before the Court of Enquiry. They will go into the details. They will definitely examine whether there is any sabotage either by some outsiders or by somebody within the depot.

As regards his other question, I have nothing to add to my reply which I have given in response to Mr. Swamy's question. Government has issued a denial. Apart from that, it is a question which should go to the Prime Minister's Secretariat; not to me. But the information which I have...

SHRI SUBRAMANIAN SWAMY: The Prime Minister is here. He can answer.

SHRI SANTOSH MOHAN DEV: I have given the information which I have got from the Prime Minister's office and the Cabinet Secretariat and I stand by it.

THE DEPUTY CHAIRMAN: Question No. 162. (*Interruptions*)

ठाकुर जगतपाल सिंह : यह आर्डिनेंस का मसला इम्पोर्टेन्ट है, मैडम... (व्यवधान) ...

SC/ST judges in the High Courts

*162. SHRI AJIT P. K. JOGI: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) what percentage of judges in various High Courts of the country belong to the Scheduled Castes and Scheduled Tribes categories;

(b) whether Government have recently received representations from various organisations and people's representatives in this regard;

(c) whether Government propose to alter the appointment procedure for the High Court judges in view of their almost non-existent representation on these courts; and

(d) if so, what steps are proposed to be taken to remedy the imbalance in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI HANS RAJ BHARDWAJ): (a) Information about caste or community is not asked for at the time of making appointments of Judges in High Courts. According to information received from the Registries, as on 1-11-1987, there were 6 Judges belonging to Scheduled Castes and 1 Judge belonging to Scheduled Tribes out of 392 Judges in position in various High Courts of the country.

(b) Yes, Sir. Some representations have been received.

(c) and (d) No, Sir. Appointment of Judges in High Courts are made in terms of provisions of Article 217(2) of the Constituion which do not provide for reservation in favour of any category or caste or class of persons. However, the Government have again addressed the Chief Ministers of States and Chief Justices of

High Courts requesting them to locate persons from the Bar belonging to Scheduled Castes, Scheduled Tribes, etc. who are suitable for appointment to the High Court, and advising them that the volume of legal practice being not high enough should not be a material consideration acting as deterrent to the name of such persons being recommended.

श्री अजीत जोगी : मंत्री जी ने जो उत्तर दिया है वह मेरी आशा के पूर्णतः निराशाजनक है।

श्री सत्य प्रकाश मालवीय : आप को गलतफहमी थी, आपको आशा ही नहीं करनी चाहिए थी।

श्री अजीत जोगी : हिन्दुस्तान की 25 करोड़ आदिवासी और हरिजन जनसंख्या में से आज की स्थिति में केवल सात लोग हाईकोर्ट में जजेज हैं जबकि बाकी 50 करोड़ में से 392 न्यायाधीश हाई कोर्ट में हैं। मैंने प्रतिशत पूछा था लेकिन मंत्री जी ने प्रतिशत नहीं निकाला, है। आदिवासियों का प्रतिशत .002 परसेंट है और हरिजनों का प्रतिशत .014 परसेंट है। यह स्पष्ट है कि यदि 40 वर्षों में यह स्थिति है और जो वर्तमान प्रक्रिया है उच्च न्यायालयों में न्यायाधीशों की नियुक्ति की उसके अंतर्गत हम कभी भी इन दलित वर्ग को उचित स्थान उपलब्ध नहीं करा पायेंगे। इसलिए मेरा प्रश्न यह है कि इन 40 वर्षों की इस प्रक्रिया को देखते हुए शासन संविधान में संशोधन करने पर विशेषकर अनुच्छेद 217 में करने पर विचार करेगा? यदि अनुच्छेद 217 में यह प्रावधान नहीं है तो इसी संविधान के अध्याय 3 और अध्याय 4 में फंडामेंटल डायरेक्टिव प्रिंसिपल्स जो हैं उसमें इन वर्गों को उचित प्रतिनिधित्व देने की बात है। तो क्या आप इनको देखते हुए संविधान में संशोधन लायेंगे जिससे इन वर्गों का प्रतिनिधित्व बढ़े? यदि संशोधन नहीं लायेंगे तो और क्या आप करने जा रहे हैं जिससे .002 परसेंट बढ़ सके?

श्री हंस राज भारद्वाज : मैडम, जहां तक शेड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइब्स की नियुक्ति का सवाल है इस बात में कोई दो राय नहीं हैं कि इनको ज्यादा रिप्रेजेन्टेशन मिलना चाहिए। लेकिन मैंने जैसा अर्ज किया कि आर्टीकल 217(2) में इन लोगों के लिए रिजर्वेशन नहीं है। क्वालिफिकेशन के हिसाब से चीफ मिनिस्टरों और चीफ जजेज को बार-बार कहा गया है अगर कोई हरिजन आदिवासी एडवोकेट उसकी वकालत चाहे असेसमेंट में कम हो लेकिन योग्य हो तो उसका नाम भेजा जाये। यह प्रिफ्रेंशयल ट्रीटमेंट थोड़ा-थोड़ा किया जा रहा है और इसके परिणाम आगे आ रहे हैं। मैं समझता हूं कि इसमें कंस्टीट्यूशन अमेंडमेंट करने की जरूरत नहीं है।

श्री अजीत जोगी : मंत्री महोदय ने कहा है कि आरक्षण नहीं किया जायेगा इसलिए मैं दूसरा पूरक प्रश्न यह पूछना चाहूंगा कि जो वर्तमान प्रक्रिया है जिसमें चार स्तर पर परामर्श होता है हाईकोर्ट के स्तर पर, राज्य शासन के स्तर पर, सुप्रीम कोर्ट के स्तर पर और केन्द्रीय शासन के स्तर पर इन चार में से कोई न कोई स्तर ऐसा होगा जो पूर्वाग्रह से ग्रसित हुआ हो। यही कारण है कि शुड्यूल्ड कास्ट्स और शेड्यूल्ड ट्राइब्स के लोग हाई कोर्ट में नहीं आ पाते हैं मैं जानना चाहूंगा कि यदि आप संविधान में संशोधन नहीं करने जा रहे हैं तो क्या कम से कम इस प्रक्रिया में परिवर्तन करेंगे जिससे कि आप को इतने स्तरों पर परामर्श न करना पड़े? मुझे केन्द्रीय शासन की नीयत पर कोई शक नहीं है। किन्तु जब नीचे से नाम नहीं आते हैं तो ऊपर से नामों को लाने का प्रयास करेंगे? मैं आपसे यह अनुरोध करूंगा और यह पूछना भी चाहूंगा कि जो परिणाम आज तक आये हैं उनको देखते हुए इस प्रक्रिया में क्या संशोधन किया जायेगा जिससे इतने अधिक स्तरों पर परामर्श न करना पड़े?

श्री हंस राज भारद्वाज : जहां तक हमारा प्रयत्न है, मैंने अर्ज किया कि चार या पांच बार चीफ मिनिसटर्स को लिखा है। हम हर चीफ मिनिस्टर और चीफ जस्टिस को इस बात पर जोर देते हैं कि आप जब नाम भेजें तो यह सोचें कि कितने ज्यादा से ज्यादा

हरिजन, शेड्यूल्ड कास्ट्स रिकमेंड हो सकते हैं। मैं समझता हूं यह तरीका हर हृदय को जागृत करेगा और चीफ मिनिस्टर्स और चीफ जस्टिसेज को इसमें कम्पेल करने की आवश्यकता नहीं है।

श्री सत्य प्रकाश मालवीय : भारतीय संविधान के निर्माता और देश के प्रथम विधि व न्याय मंत्री डा० भीमराव अम्बेडकर की आत्मा अगर कहीं होंगी तो निश्चितरूप से वह रोती होगी। वह राष्ट्र के नेता थे। जिस समय उन्होंने संविधान का निर्माण किया, और भी हमारे राष्ट्रीय नेताओं ने निर्माण किया तो उन्होंने कभी नहीं सोचा होगा इस तरह की बात। जिस तरह से जोगी जी ने बताया और मंत्री महोदय ने उत्तर में बताया कि 392 जजों में से जो सारे देश में हैं इनमें से केवल 7 जज अनुसूचित जाति, जनजाति के हैं और आपने यह भी कहा कि मुख्य मंत्रियों को बार-बार लिखा जा रहा है। मेरा प्रश्न यह है कि भले ही अनुसूचित जातियों और अनुसूचित जन जातियों के लोग जैसा कि बताया गया है, जजों की नियुक्ति के लिए उपयुक्त नहीं पाये गये हों, मैं यह जानना चाहता हूं कि कौन-कौन ऐसे मुख्य मंत्री हैं जिन्हों ने किसी भी अनुसूचित जाति और अनुसूचित जनजाति के व्यक्ति की नियुक्ति के संबंध में केन्द्रीय सरकार से संस्तुति की है ?

SHRI HANS RAJ BHARDWAJ: Madam, I have already submitted that the Chief Ministers come into the picture. After the names are recommended by the Chief Justice of the High Court, the Chief Minister and the Governor give their views on those names which are given by the High Court.

So far as Chief Ministers who have not responded to this positively are concerned, we did not leave it at that; we pursued the matter further and after the letter was written last in 1987, we have got some positive response and whatever recommendations are pending with us, in that we have a significant number of the scheduled castes and scheduled tribes in the pipeline and I hope the results as expected and as desired will come.

श्री सोहन लाल धूसिया : मैं माननीय मंत्री जी से यह जानना चाहता हूं कि हमें आजाद हुए 40 साल हो गए हैं, और जगह तो रिजर्वेशन है लेकिन यहां पर जजों की नियुक्ति के संबंध में कांस्टिट्यूशन में रिजर्वेशन का भी प्रावधान नहीं है, इसलिए यह भी नहीं हो सकता है, लेकिन क्या नेशनल इंट्रेगेशन के नाम पर इन लोगों को साथ में चलाने के लिए कुछ कदम ऐसा उठायेंगे जिससे स्वतंत्रता के पश्चात् आधी सदी बीत जाने पर भी इन लोगों को लगे कि हम भी अन्य लोगों के बराबर हो गये हैं और वे भी भी समझने लगे कि हिन्दुस्तान की प्रगति में वे भी भागीदार हैं ?

SHRI HANS RAJ BHARDWAJ: Madam, I think the hon. Member himself knows that there is reservation in the subordinate judiciary upto the district level and I think whatever reservations...

SHRI SATYA PRAKASH MALAVIYA: The question is about High Court Judges.

श्री हंस राज भारद्वाज : आपकी जनता पार्टी के राज्य में तो एक भी जज हरिजनों में से नहीं रखा गया था। ये सब हरिजन जज जितने भी आये हैं 1980 के बाद आये हैं आपको यह, मालूम होना चाहिए कि सुप्रिम कोर्ट में हमने पहली बार हरिजन को जज बनाया है।

श्री अटल बिहारी वाजपेयी : अगर हमारे जमाने में नहीं था तो इसका मतलब है कि हमारे जमाने से पहले के जमाने में भी नही था।

श्री हंस राज भारद्वाज : दुनिया जानती है कि कांग्रेस हरिजनों के साथ है। हरिजनों के प्रति कांग्रेस के हृदय में जो आदर भाव है वह किसी दूसरी पोलिटिकल पार्टी के हृदय में नहीं है। इस बात को कहने की जरूरत नहीं है कि हमार

हरिजनों के प्रति जो कमिटमेंट है, डा० अम्बेडकर जी के प्रति जो रेस्पेक्ट हमारे हृदय में है वह किसी भी दूसरी पार्टी, जनता, लोकदल या बी० जे० पी० किसी भी पार्टी के हृदय में नहीं है। Madam, I want to put on record that one very prominent M.P. of Janata Party virtually stopped all educational institutions run by an Ambedkar Society in Maharashtra by imposing a five year law course. It is we who settled it.

SHRI SUBRAMANIAN SWAMY: Name him.

SHRI HANS RAJ BHARDWAJ: Shri Ram Jethmalani. He was a member of the ... (*Interruptions*) I want to put on record that it was he who as member of the All India Bar Council stopped three years Law Courses in all Ambedkar institutions, I had to intervene. It is on record.

SHRI M. S. GURUPADASWAMY: May I answer my friend? (*Interruptions*)

THE DEPUTY CHAIRMAN: Let him complete.

SHRI HANS RAJ BHARDWAJ: Now let me reply.

SHRI M. S. GURUPADASWAMY: You are making a very sweeping remark about our Member.

SHRI HANS RAJ BHARDWAJ: I am making it with full responsibilty. Let him deny it.

SHRI M. S. GURUPADASWAMY: You always do it with full responsibilty. All the same you are making a very sweeping remark.

SHRI HANS RAJ BHARDWAJ: It is being made with full responsibility. And you always advocate for him.

SHRI SUBRAMANIAN SWAMY: If you have such high regard for Dr. Ambedkar, why have you not put up his portrait in the Central Hall?

SHRI HANS RAJ BHARDWAJ: I am saying it that because of his intervention in the Bar Council, all institutes the People's Education Society was running in Maharashtra were ordered to be stopped. If you want to know that, go to Maharashtra and listen to what he did with the Ambedkar institutions... (*Interruptions*)

SHRI M. S. GURUPADASWAMY: Madam, firstly, the Member to whom he is referring, is not here. Apart from this, he is making a very, very serious and sweeping remark about a Member belonging to my party. (*Interruptions*)

SHRI P. N. SUKUL: Why is Mr. Jethmalani not here? He should have been here. (*Interruptions*)

THE DEPUTY CHAIRMAN: Order please. Allow him pease. (*Interruptions*)

SHRI M. S. GURUPADASWAMY: Why are you worked up like this?

THE DEPUTY CHAIRMAN: Order please. (*Interruptions*)

SHRI M. S. GURUPADASWAMY: Say whatever you like after I finish. (*Interruptions*).

THE DEPUTY CHAIRMAN: Order please. I have allowed him to ask a question. Please be silent. Let him ask a question.

SHRI M. S. GURUPADASWAMY: Madam, he has made this remark during the Question Hour; does not matter. But this is a very serious remark, serious charge made against a Member of this House.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M. M. JACOB): Madam, the question is 162.

What Mr. Gurupadaswamy says does not cencern this question. (*Interruptions*)

THE DEPUTY CHAIRMAN: Please sit down.

SHRI M. S. GURUPADASWAMY: I would like the Minister to substantiate this remark...

SHRI HANS RAJ BHARDWAJ: Right now.

SHRI M. S. GURUPADASWAMY: ...if he has got any material. (*Interruptions*)

SHRI HANS RAJ BHARDWAJ: Madam, I think, Mr. Gurupadaswamy is not properly informed because Mr. Ram Jethamalni has joined him recently as a member of the Janata Party. He is know through his qualities. Those who shed tears for Mr. Ambedkar, must know what the hon. Member did. He imposed a 5-year law course in Maharashtra Bar Council by which all the institutions founded by Mr. Ambedkar were stopped, and I had to intervene as Minister for Law and Justice. (*Interruptions*).

SHRI ATAL BIHARI VAJPAYEE: He is using the floor to attack Member of the House. He should not have done this. It is irrelevant. (*Interruptions*).

SHRI K. MOHANAN: I am not defending anybody. But it is not proper.

THE DEPUTY CHAIRMAN: I will make it clear. Mr. Gurupadaswamy asked him to substantiate while asking his question.

SHRI K. MOHANAN: No.

THE DEPUTY CHAIRMAN: He did. That is why he is replying. So, there is nothing wrong about it.

SHRIMATI JAYANTHI NATARAJAN: Madam, without meaning any disrespect to any section of the community, I want to say that what we are suffering now is a sort of reverse discrimination. Without meaning any disrespect to the hon. Members also I just want to point out and we all know that the provisions of the Constitution relating to the Scheduled Castes were expressly provided because it was felt that they suffered from economic and social backwardness and that they needed certain boost and impetus so that they can join the national mainstream. In the Constituion especially reservation has been made to legislature and educational and other institutions, I think, but definitely to legislature. There is no reservation for appointment to the judiciary. Even with regard to the reservation in legislatures it says, it is for only a period of 40 years since the commencement of the Constitution. It is also a fact, Madam, that it is a sad commentary...

THE DEPUTY CHAIRMAN: Please put your question.

SHRIMATI JAYANTHI NATARAJAN: I am going to put it, Madam. Because everybody is interrupting me. I am not able to put. (*Interruptions*)

SHRI K. MOHANAN: They are in the ruling party. They can say anything.

SHRIMATI JAYANTHI NATARAJAN: Backward classes have been added to the list. But nobody has come out. This is impossible to believe that people could keep on being added and ask now that...

THE DEPUTY CHAIRMAN: Ask your question please.

SHRIMATI JAYANTHI NATARAJAN: I am just asking. Let me finish the sentence. I am just finishing it. (*Interruptions*) If they now

seek for an amendment of the Constitution, which would proved for reservations in the High Courts, I am afraid merit will become a casualty. I want an assurance from the Minister that if he brings about such an amendment, the criterion for reservation in High Courts will be on the basis of merit and not on the basis of backward caste or scheduled caste. (*Interruptions*)

THE DEPUTY CHAIRMAN: You have not put your question yet.

SHRIMATI JAYANTHI NATARAJAN: Even before I put my question, the Members are interrupting me. (*Interruptions*)

THE DEPUTY CHAIRMAN: Order please. Please put your question now.

SHRI GURUDAS DAS GUPTA: It is your Congress. She has now joined the company of Jethmalani.

डा० बापू कालदाते : आपके हृदय में जो है वह कह रही है ।

THE DEPUTY CHAIRMAN: Order please.

SHRIMATI JAYANTHI NATARAJAN: I want to know whether the criterion will be economic and social backwardness, not necessarily a caste or community.

SHRI HANS RAJ BHARDWAJ: I want to make it very clear that our Constitution has provided for protective discrimination. There is no question of going back on it. Secondly, there is a commitment of the Congress. I am repeating that the Congress has a commitment to give preferential treatment to the socially backward communities. Therefore, there should be no confusion. (*Interruptions*) So far as the Government is concerned, we are going ahead with the policy of giving preferential treatment to the Harijans.

श्री सीताराम केसरी : उपसभापति महोदया, जहां तक आरक्षण का प्रश्न है यह प्रश्न तो गांधी जी ने ही तय किया था और नेहरू जी ने उसका इम्पलीमेंटेशन किया और फिर 1979 में यह आवाज आई कि आरक्षण को अबोलिश कर दिया जाए तो इन्दिरा जी ने 1979 के सितम्बर में आरक्षण को जारी रखने का निर्णय लिया और घोषणा की । पुन: इधर गुजरात इत्यादि प्रदेशों में आरक्षण के विरोध में एक आवाज उठी हमारे वर्तमान प्रधान मंत्री श्री राजीव गांधी ने आरक्षण को पुन: जारी रखने के लिए देश के सामने घोषणा की । इसको ध्यान में रखते हुए मालवीय जी या और हमारे मित्रों ने जिन्होंने यह प्रश्न उठाया है कि आरक्षण में हमारी तरफ से कोई भेदभाव होता है यह कभी नहीं हुआ है कभी नहीं होगा । इन शब्दों के साथ मैं जानना चाहता हूं (**व्यवधान**) ।

डा० बापू कालदाते : यह तो भाषण कर रहे हैं । (**व्यवधान**)

SHRI K. MOHANAN: Are you presiding over a Congress (I) meeting? (Interruptions)

SHRI PARVATHANENI UPENDRA: Is it question hour or a lecture? How are you allowing such things? It looks as if he is presiding over a Congress (I) party meeting.

THE DEPUTY CHAIRMAN: Don't say like that. Everybody takes time before putting a question. You also take time before putting your question.

SHRI K. MOHANAN: No. I know what would be your attitude.

THE DEPUTY CHAIRMAN: Please sit down.

SHRI K. MOHANAN: Don't behave like an autocrat.

THE DEPUTY CHAIRMAN: It is very wrong on your part. That is not correct. Every Member before putting a question tries to elaborate. That is what he has done. So, there is nothing wrong in it.

श्री सीताराम केसरी : मान्यवर, सभी विरोधी दलों का मैं नहीं कहता विरोधी दलों में प्रतिक्रियावादी भी हैं और प्रगतिशील भी हैं । जो लोग प्रतिक्रियावादी रहे हैं वे हमेशा ही आरक्षण का विरोध करते रहे हैं ।

उपसभापति : आप सवाल कीजिए ।

श्री सीताराम केसरी : इतिहास के पन्ने न खुलवाइये **(व्यवधान)** 1928 से लेकर आज तक का इतिहास बता दूंगा कि किन किन दलों ने किस तरह से रिजवशन के सवाल का विरोध किया . . . **(व्यवधान)**

उपसभापति : आप सवाल पूछिये ।

श्री सीताराम केसरी : इसलिए मैं यह जानना चाहता हूं अपने मंत्री महोदय से कि जो जोगी जी ने यह प्रश्न किया कि सिर्फ 0.4 और 0.2 हरिजन और आदिवासियों को नौकरी मिली है जो आरक्षण के हिसाब से इसमें कमी रह गयी है तो उसकी पूर्ति करने के लिए सरकार क्या प्रयत्न कर रही है ?

श्री हंस राज भारद्वाज : जहां तक महात्मा गांधी जी और दूसरी इंदिरा जी की फिलासफी है, मंजिल पर सफर अभी जारी है और हम विश्वास करते हैं कि राजीव गांधी जी की सरकार उस मंजिल को बहुत जल्दी से, पा लेगी ।

THE DEPUTY CHAIRMAN: Question No. 163.

Proposal to set up an ordiance Factory in the Hazaribagh District of Bihar

*163. SHRI YASHWANT SINHA: Will the Minister of DEFENCE be pleased to state:

(a) whether Government propose to set up an ordnance factory in the Hazaribagh district of Bihar;

(b) if so, what exact location has been recommended by the experts for this purpose; and

(c) by when Government propose to take a decision in this regard?

THE MINISTER OF STATE IN THE DEPARTMENS OF DEFENCE PRODUCTION AND SUPPLIES IN THE MINISTRY OF DEFENCE (SHRI SHIVRAJ PATIL): (a) to (c) There is a proposal under consideration for setting up an ordinance factory at a suitable site in India. Offers of sites by various State Governments, had been received. No decision has however, been taken as yet in this regerd.

SHRI YASHWANT SINHA: Madam Deputy Chairman, the Minister has not fully answered the question. I had specifically in part (b) of the Question asked whether there was expert committee and whether that committee had recommended a particular location as the best site in the district of Hazaribagh in Bihar. This question has not been answered. Before I ask the first supplementary, I would like to have a clarification on this.

SHRI SUBRAMANIAN SWAMY: They never do.

SHRI SHIVRAJ PATIL: Madam, I have said that this matter is before the Government and the Government has not taken any decision. The Committee has been appointed and that Committee has made recommendations also but we have not taken any decision.

SHRI YASHWANT SINHA: Madam, my first supplementary is that according to the information which is available with me the expert committee has recommended that a place called Bariyardih in Hazaribagh district of Bihar is the most suitable location for this ordnance factory. Therefore, will the Minister mention here in this